

**Wittels
McInturff
Palikovic**

July 1, 2024

Via ECF

The Honorable Allyne R. Ross
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Mirkin, et al. v. XOOM Energy, LLC, et al., No. 18 Civ. 2949 (ARR) (JAM)

Dear Judge Ross,

On behalf of Plaintiff and the Class, we write to notify you that the following items were filed under seal earlier today in the above-captioned action in unredacted form, and served via email on defense counsel:

1. Plaintiff's Combined Memorandum of Law in Opposition to XOOM's Two Motions to Exclude Plaintiff's Expert Disclosures; and
2. The Declaration of Seabron Adamson in Opposition to Defendants' Motions to Exclude Plaintiff's Expert Disclosures, dated June 28, 2024.

ECF 248 & 248-1 (filed under seal).

Because of a technical glitch on the ECF website, counsel were not able to file these documents under seal on June 28, the date the filings were due, and instead emailed them to your chambers with all counsel of record copied on June 28. Now that the ECF issue has been resolved, Plaintiff has filed the documents on the docket.

Because these filings contain and reference materials designated Confidential or Highly Confidential under the parties' protective order in this case, ECF 48-1, Plaintiff filed these documents under seal to provide defense counsel time to assess whether redactions and/or sealing are needed before they become publicly available. Defense counsel expects to complete this task next week, and Plaintiff will either file redacted versions of the motions or file the motions on the public docket, depending on the outcome of defense counsel's assessment.

Thank you for the Court's attention to this matter.

Respectfully Submitted

/s/ J. Burkett McInturff
J. Burkett McInturff

*Class Counsel for Plaintiff and the
Class*

cc: All Counsel of Record (via ECF)